

### **REMARKS**

Applicants respectfully request reconsideration of the present Application. Claims 1, 13, 25, and 29 have been amended herein. Claims 1-8, 10-11, 13, 15-19, 22, 25, 29 and 31 are pending and are in condition for allowance.

#### **Rejections based on 35 U.S.C. § 103(a)**

##### **A. Applicable Authority**

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See, *Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Thus, in order “[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP § 2143. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

**B. Obviousness Rejection Based on the Aholainen reference in view of the Dinwiddie and Verberkt references.**

Claims 1-8, 10-11, 13-19, 22, 25, 29 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aholainen et al., U.S. Patent No. 7,102,640 (hereinafter the “Aholainen reference”) in view of Dinwiddie et al., U.S. Publication No. 2003/0014766 (hereinafter the “Dinwiddie reference”) in further view of Verberkt, U.S. Publication No. 2006/0074810 (hereinafter the “Verberkt reference”). As the Aholainen reference, the Dinwiddie reference and the Verberkt reference, either alone or in combination, fail to teach or suggest the limitations of the claims, as herein amended, Applicants respectfully traverse this rejection as herein after set forth.

Independent claims 1 and 13 have been amended to state that the user-configurable authorizing module interacts with the list of detected nearby devices to determine which devices will obtain resources from other devices. Support for this amendment may be found in paragraph [0034] of the specification. The Office Action admits that the Aholainen

reference does not explicitly disclose “displaying contents of a second device user interface in response to the detection of the proximity of the second participating device within the first participating device’s immediate environment.” Instead, the Office Action cites the Dinwiddie reference as describing this limitation. However, the Dinwiddie reference does not teach the first participating device interacting with a list of detected nearby devices to determine which to adjust the user interface of a first listed device to display the user interface of a second listed device. Rather, the Dinwiddie reference is passive on the use of a nearby detected device list in determining to display the user interface of a first participating device on a second participating device.

Independent claims 25 and 29 have been amended to clarify that the nearby list of participating devices includes participating devices that are able to communicate with another device as paragraph [0021]-[0022] of the specification states that participating devices are all devices that are able to communicate with another device. This includes the first and second participating device, i.e. the detecting and detected device. In contrast, the Aholainen reference teaches only storing icon information of detected devices in the detected icon buffer. Therefore the detecting device is not stored in the detected icon buffer. See, the *Aholainen reference*, Col. 10, lines 1 to Col. 11, line 39, and Tables A to C.

Claim 25 and 29 have been further amended to disclose a configurable resource regulation mechanism interacting with the nearby device list and determining, based on a defining policy of the configurable resource regulation mechanism that establishes which of the first and second participating devices will obtain the resources from the other, that a first of the listed devices will acquire the device specific application resources from a second of the listed devices in response to detecting the proximity of the first participating device to the second

participating device. Support for this limitation can be found in the specification at paragraphs [0034] and [0035]. Neither the Aholainen, Dinwiddie, nor the Verberkt reference teaches this limitation. The Aholainen reference does not determine which device in the detected icon buffer will acquire the resources of another device in the detected icon buffer based on the policies of a configurable regulation mechanism. Although the Aholainen reference determines the detected device with which the client device should communicate and although the detected devices may be placed in the detected icon buffer of the client device, the client device is not placed in the detected icon buffer. Therefore, the Aholainen reference does not determine which device on the detected icon buffer should acquire device specific resources from the another device in the detected icon buffer. See, the *Aholainen reference*, Col. 10, lines 1 to Col. 11, line 39, and Tables A to C. The Dinwiddie and Verberkt references do not disclose a list of detected nearby devices.

With regards to the arguments above, all elements of independent claims 1, 13, 25 and 29 are not taught from the combination of the Aholainen, Dinwiddie, and Verberkt references. Therefore, it is respectfully submitted that the Aholainen, Dinwiddie, and Verberkt references, whether taken alone or in combination, fail to teach or suggest the limitations of amended independent claims 1, 13, 25 and 29. Accordingly, withdrawal of the 35 U.S.C. 103(a) rejections of these claims is respectfully requested. As amended, claims 1, 13, 25 and 29 are believed to be in condition for allowance and such favorable action is requested.

As claims 2-8, 10-11, 16-19, 22 and 30 depend directly or indirectly from independent claims 1, 13, 25 and 29, these claims are also believed to be in condition for allowance, at minimum, by virtue of their dependence from an allowable base claim as argued above. As such, the rejection of claims 2-8, 10-11, 16-19, 22 and 30 under 35 U.S.C. 103(a) as

being obvious is improper for at least the reasons stated above with respect to independent claims 1, 13, 25 and 29 and Applicant respectfully requests that Examiner's rejection of claims 2-8, 10-11, 16-19, 22 and 30 be reversed. Such favorable action is respectfully requested.

**CONCLUSION**

For at least the reasons stated above, claims 1-8, 10-11, 13, 15-19, 22, 25, 29 and 31 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [jdickman@shb.com](mailto:jdickman@shb.com) (such communication via email is herein expressly granted) – to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Account No. 19-2112, with reference to Attorney Docket Number MFCP.108793.

Respectfully submitted,

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